

# COMPLAINT AND AFFIDAVIT

## IN THE DISTRICT COURT OF IOWA IN AND FOR MAHASKA COUNTY

STATE OF IOWA  
COUNTY OF MAHASKA

Before Magistrate

Criminal Number FECR063465

FILED

13 APR 23 AM 10:19

CLERK OF DISTRICT COURT  
MAHASKA COUNTY, IOWA

V.  
BRYAN DRAPER VILCONE

### COMPLAINT AND AFFIDAVIT

OSKALOOSA, IOWA 52577

THE DEFENDANT is accused of the crime of **Murder in the 1<sup>st</sup> Degree**, in violation of Section(s) 707.1 and 707.2(5) of the Iowa Criminal Code in that the defendant did on or about the 18<sup>th</sup> day of April, 2013, in Oskaloosa, Mahaska County, Iowa, by an intentional act or series of intentional acts used unreasonable force or cruelty that resulted in bodily injury; and/or committed an assault upon a child showing an extreme indifference to human life and as a result of these actions the child died on or about the 21<sup>st</sup> day of April 2013.

THEREFORE, Complainant requests that said defendant, subject to bail or conditions of release where applicable, be arrested or that other lawful steps be taken to obtain defendants appearance in court

Complainant Troy J. Bort

### AFFIDAVIT

STATE OF IOWA, County of Mahaska, ss:

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.

On April 18, 2013 the child who was approximately 7 weeks old was under the care of the defendant from approximately 10:00 a.m. to 3:30 p.m. At approximately, 3:30 p.m. on that date the defendant met with the mother of the child and delivered the child to the mother. The mother at that time noted that the child was not acting normal. The mother later that evening took the child to the local hospital where she was seen by physicians, and then was then transported to the hospital in Des Moines, Iowa. The child was examined and treated at the hospital and the physicians noted severe internal head injuries. The child died on April 21, 2013, as a result of those injuries. The defendant was interviewed and during the interview he stated that he had shaken the child on at least 3 separate occasions during the late afternoon of April 18, 2013 because the child was crying. He stated that after the final shaking the child quit crying and was merely whimpering. The defendant also admitted being responsible for the child's injuries. An autopsy has been performed by the Polk County Medical Examiner's Office and the likely cause of death is abusive head trauma.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct to the best of my knowledge and belief.

Date

4/23/13

Troy J. Bort  
Officer

Subscribed and sworn to before me, a Notary Public in the State of Iowa.

Jeanette Newendorp  
Notary Public

Complaint and affidavit filed and probable cause found that the defendant committed the offense charged

[Signature]  
Magistrate